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7 IN RE: CATHODE RAY TUBE (CRT)
8 ANTITRUST LITIGATION

MDL No. 1917
Case No. C-07-5944 JST

9 This Order Relates To:

10
11 ALL DIRECT ACTION PLAINTIFFS

**ORDER TO SHOW CAUSE ON THE
NEED FOR SUPPLEMENTAL
BRIEFING REGARDING MOTIONS
RELYING UPON THE FTAIA**

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13 Currently pending before the Court are several motions for summary judgment relating to
14 the Foreign Trade Antitrust Improvement Act (“FTAIA”). The Court notes that many motions
15 relating to the FTAIA discuss at length a decision from the Seventh Circuit, Motorola Mobility
16 LLC v. AU Optronics Corp., No. 14-8003, 2014 WL 6678622 (7th Cir. Nov 26, 2014), and a
17 decision from the Ninth Circuit, United States v. Hui Hsiung, 758 F.3d 1074 (July 10, 2014).
18 After briefing began but before many reply briefs were due, the Seventh Circuit issued an
19 amended opinion in Motorola, 775 F.3d 816, 819 (7th Cir. Jan 12, 2015) (Posner, J.) cert. denied,
20 135 S. Ct. 2837 (June 15, 2015). After several of the reply briefs were due, the Ninth Circuit
21 issued an amended order in Hui Hsiung, 778 F.3d 738 (9th Cir. Jan 30, 2015) cert. denied, 135 S.
22 Ct. 2837 (June 15, 2015).

23 The Court is now considering whether to order supplemental briefing from the Direct
24 Action Plaintiffs (“DAPs”) and related Defendants regarding the foregoing developments.
25 Briefing would be strictly limited to a discussion of the effect of the amendments to the two
26 above-cited opinions on any of the DAPs’ arguments in the FTAIA-related motions, and would
27 not include any discussion of whether this transferee court should rule on cases subject to remand
28 for trial. Briefing would consist of two briefs, each limited to twelve pages of text (with no

1 exhibits), one jointly filed by all DAPs and one jointly filed by all related Defendants. The briefs
2 would be due simultaneously.

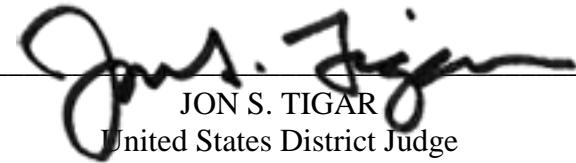
3 The Court would like the parties' input regarding the utility of supplemental briefing.
4 Accordingly, the Court now ORDERS the parties to SHOW CAUSE why the Court should not
5 order such briefing. The sole question is whether the parties believe that such briefing would be
6 helpful to the Court.¹

7 All responses to this order to show cause are due no later than seven days from the date of
8 this order. Responses should be not more than two pages of text, should not argue the substance
9 of the underlying issue, and should be consolidated among the parties to the extent practicable.
10 No party will be allowed to respond to any other party's response to this order to show cause
11 without leave of court. No party is required to file a response to this order to show cause; if no
12 party files a response, the Court will decide for itself whether supplemental briefing would be
13 useful. Any party requesting that the Court order supplemental briefing should also propose a
14 (hopefully stipulated) deadline for the submission of such briefing.

15 The parties should not infer from the issuance of this order that a decision regarding the
16 FTAIA summary judgment motions is imminent. The Court is unlikely to decide those motions
17 without first (1) hearing oral argument on the motions, and (2) determining whether to approve the
18 pending settlements in the Indirect Purchaser Plaintiff actions.²

19 IT IS SO ORDERED.

20 Dated: December 2, 2015



21 JON S. TIGAR
22 United States District Judge

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26 ¹ The Court will not now entertain requests to allow separate briefs filed by each party or multiple
27 sets of briefs, but may order such briefing if the Court later concludes it would be helpful.
28 ² See also ECF No. 4192 at 15 ("The defendants involved in the fairness hearings therefore request
this Court to delay issuing its rulings on the summary judgment motions until after both hearings
are completed.").